IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

W.A.No.1180 of 2007

AGAINST THE ORDER IN W.P.(C).NO.22879/2006 DATED 04/04/2007

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APPELLANTS/RESPONDENTS 2 & 4:-

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1. THE MAHATMA GANDHI UNIVERSITY,
   REPRESENTED BY ITS REGISTRAR,
   PRIYADARSHINI HILLS P.O., KOTTAYAM-686 560.

2. THE VICE CHANCELLOR,
   MAHATMA GANDHI UNIVERSITY,
   PRIYADARSHINI HILLS P.O.,
   KOTTAYAM-686 560.

BY STANDING COUNSEL SRI.V.A.MUHAMMED.

RESPONDENTS/PETITIONER AND RESPONDENTS 1 AND 3:-

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1. THE MANAGER,ST.ALBERT'S COLLEGE,
   ERNAKULAM-682 018.

2. STATE OF KERALA,
   REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
   INDIRA GANDHI SPORT'S COMPLEX,
   I.P.ESTATE, NEW DELHI-110 002.

R2 BY SENIOR GOVERNMENT PLEADER SMT.MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu,C.J. & K.T.Sankaran,J.

W.A.No.1180 of 2007

Dated, this the 23rd day of May, 2007

JUDGMENT

H.L.Dattu,C.J.

This appeal is filed against the interim order passed by a learned Single Judge in W.P.(C).No.22879 of 2006 dated 4th April, 2007. The interim order passed is as under:

> "The University shall continue the provisional affiliation granted".

The respondent-College is before this Court in W.P.(C).No.22879 of 2006. This Court, while entertaining the writ petition, by order dated 31st October, 2006 had directed the University to grant provisional affiliation to the petitioner's M.B.A. Course as applied for. Aggrieved by the aforesaid order passed by the learned Single Judge, the University had carried the matter by way of appeal in W.A.No.2288 of 2006. The appellate Court has not interfered with the interim orders granted by the learned Single Judge, however, had directed the Registry to list the case for final

hearing on 11.12.2006.

2. The respondent-College filed one more application, *inter alia*, requesting this Court to direct the University to grant temporary affiliation for the academic year 2007-2008. The learned Single Judge by order dated 28.3.2007 has directed the University to conduct the necessary inspection of the College and take a decision, one way or the other, on the application filed by the respondent-College for the purpose of affiliation of the College in the University.

3. By order dated 4.4.2007, the learned Single Judge has directed the University to continue the provisional affiliation granted earlier. The said order is the subject matter of this Writ Appeal.

4. The learned counsel appearing for the appellant-University would submit that this Court has passed two conflicting orders, one directing the University to make an inspection and then pass appropriate orders on the application filed by the respondent-College and the second order is to grant provisional affiliation and, therefore, submits that the interim order granted by this Court requires to be interfered with by us.

5. Having heard learned counsel for the appellants, we do not see any conflicting of opinion by the learned Judges while passing the orders dated 28.3.2007 and 4.4.2007.

6. By the first order, the learned Single Judge has directed the University to inspect the College run by the respondent-College and then take a decision one way or the other on the request made by the College for affiliation.

7. The second order would only direct the University to continue the provisional affiliation granted earlier, so that the interest of the students would be secured. The second order, in our opinion, would no way come in the way of the University in following the directions issued by the learned Single Judge on 28.03.2007. It is still open to the University to inspect the College and prepare a report and answer the respondent-College whether their request for affiliation of the College can be granted or not.

The interim orders passed by this Court are only to secure the benefit of the student who intends to join the respondent-College for the academic year 2007-2008. This will in no way affect the interest of the University. In this view of the

matter, we do not see any substance in the arguments advanced by the learned counsel for the appellant. Therefore, interference with the impugned order does not call for in this appeal and the same is only to be rejected and it is, therefore, rejected without reference to the respondents.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-